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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Cyprus

Addendum

Information provided by Cyprus in follow-up to the concluding observations*

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Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

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Part I — Introduction

1. The present document provides information on the steps undertaken by the Republic of Cyprus to implement the recommendations contained in paragraphs 12 and 20(b), (c) and (d) of the concluding observations on the combined Sixth and Seventh Periodic Report of Cyprus (2004-2010), (CEDAW/C/CYP/CO/6-7, 25 March 2013), pursuant to paragraph 42, thereof, hereinafter the" concluding observations".

2. Like the Sixth and Seventh Periodic Report (2004-2010) (CEDAW/C/CYP/6-7, 21 September 2011), hereinafter the "Periodic Report", and the responses of Cyprus to the issues and questions with regards to the consideration of its Periodic Report (2012) (CEDAW/C/CYP/Q/6-7/Add.1, 11 February-1 March 2013), the present document was prepared by the Law Commissioner of the Republic who, pursuant to a Decision of the Council of Minister, is entrusted with ensuring compliance of Cyprus' reporting obligations under the international human rights instruments. All the information for the preparation of the present document was provided by the Ministry of Justice and Public Order, as the competent Ministry for the purposes of the CEDAW, through the National Machinery for Women's Rights, and the Ministry of Interior having competence for the specific information needed (i.e. human trafficking). The Ministry of Labour, Welfare and Social Insurance was also consulted on specific matters (i.e. private employment agencies).

3. The present document will be posted to the website of the Office of the Law Commissioner upon submission.

Part II — Information on the steps undertaken to implement the recommendations contained in paragraphs 12 and 20 (b), (c) and (d)

National Machinery for the advancement of women

> 12. **The Committee reiterates its recommendation in its previous concluding observations (CEDAW/C/CYP/CO/5, para. 16) that the State party strengthen the existing national machinery, by providing it with adequate authority and visibility, as well as human, financial and technical resources, and establish effective coordination among all the existing bodies for the advancement of women and the promotion of gender equality.**

4. In 2013, the Minister of Justice and Public Order. the competent Minister for gender equality issues, initiated broad deliberations with the major Women's Organisations, all affiliated to political parties, with the aim to promote the restructuring and strengthening of the National Machinery for Women's Rights (NMWR).

5. As a result, Women's Organisations submitted a joint proposal for the appointment of a Commissioner for Gender Equality, who will be fully engaged with gender equality issues.

6. In 2014, a new institution was established by the President of the Republic with competence to further promote gender equality issues and women's rights in

Cyprus, that of the Commissioner for Gender Equality (hereinafter "the Commissioner"), to which a woman was appointed.

7. The Commissioner is accountable to the President of the Republic and at the end of each year has to submit an annual report with comments and recommendations directly to the President of the Republic.

8. In the performance of her duties, the Commissioner is assisted by administrative staff of the Gender Equality Unit of the Ministry of Justice and Public Order.

9. The remuneration of the Commissioner is covered by the budget of the Presidency.

10.1. The duties and responsibilities of the Commissioner are to:

i. Promote equality between men and women and the elimination of discrimination against women.

ii. Preside over and coordinate the work of the National Machinery for Women's Rights.

iii. Monitor the implementation of policies and measures promoting equality between men and women.

iv. Submit proposals/recommendations for the legislative safeguarding of equality and the elimination of discriminations in the legislation.

v. Submit proposals/recommendations for the promotion and implementation of policy measures in the field of gender equality.

vi. Evaluate the results of the implementation of laws and policy measures in the field of gender equality.

vii. Oversee data collection and the preparation of studies and research on issues relating to gender equality.

viii. Make arrangements for the creation of a conventional or electronic Library on Gender Equality.

ix. Organize seminars and training courses on questions of equality between men and women.

x. Organize information campaigns to inform the public and especially women about their rights.

xi. Utilize European programs in the field of gender equality.

xii. Participate in international conferences on gender equality.

xiii. Cooperate with all Ministries/Services, equality bodies and Non-Governmental Organizations to promote equality between men and women.

xiv. Prepare and submit an Annual Report to the President of the Republic with comments and suggestions.

10.2. The Commissioner may appoint an Advisory Committee(s), such as a Gender Advisory Committee, consisting of representatives of Non-Governmental Organisations and personalities who are active in the field of gender equality. (The

Commissioner will chair the Committee, which will be convened at regular intervals).

11. On 23.04.2014, the Council of Ministers by its decision No. 76.789 approved the amendment of the Organization Structure and Operation Plan of the NMWR, so that the Council and the National Committee of the National Machinery for Women's Rights to be chaired by the Commissioner (replacing the Minister of Justice and Public Order).

12. Furthermore, the Government decided that the duties of the General Secretariat of the NMWR are performed by officers of the Ministry of Justice and Public Order, belonging to the Gender Equality Unit.

13. Actions promoted by the Commissioner and Chair of the NMWR are covered by the budget of the NMWR.

14. Since her appointment, the Commissioner convened the Council of the NMWR several times, at which there was an extensive debate on ways of strengthening the NMWR, with the women's organizations which are members of the Council putting forward their views and recommendations.

15. The Commissioner was also a keynote speaker in an event organised by the Cyprus Gender Equality Observatory on 16 October, 2014, on "The role and contribution of public institutions in the promotion of gender equality in Cyprus: Commissioner for Administration and Human Rights, Gender Equality Committee in Employment and Vocational Training and Commissioner for Gender Equality".

16. The aim of the event was to create public awareness among the public and particularly women on the existing equality bodies, clarifying the role of each one in investigating complaints and in providing information, support and assistance to the victims of sex discrimination and the public at large.

17. The new Strategic Plan on Equality between Women and Men 2014-2017, adopted by the Council of Ministers on 23 December 2014 (Decision No. 78.071) had been prepared by the Gender Equality Unit of the Ministry of Justice and Public Order in close collaboration with all Government Departments, the Commissioner, women's organizations and other NGOs, academic institutions and human rights bodies. It comprises the following six thematic areas/objectives: (a) Administrative/Institutional Reform for the Effective Promotion of Equality between Men and Women; (b) The law reform/improvement of legislative framework; (c) Balanced participation of women and men in public and political life; (d) Combating all forms of violence against women; (e) Economic empowerment of women; and (f) Elimination of gender stereotypes.

18. The concluding observations of CEDAW were taken seriously into account in the drafting of the new Strategic Plan on Equality between Women and Men (2014-2017), in that there are specific actions envisaged therein aiming to comply with their recommendations and comments. The chapter on the «Administrative/Institutional Reform for the Effective Promotion of Equality between Men and Women» includes, inter alia, actions for the coordination among all the existing equality bodies.

20. **The Committee calls on the State party to:**

(b) **Provide adequate assistance and protection to all victims of human trafficking, irrespective of their capacity or willingness to**

cooperate in the legal proceedings against traffickers, and ensure that such assistance includes psychological support, rehabilitation and social reintegration

19. The Government is committed to the promotion of the fundamental human rights instruments and will continue to strengthen its efforts to ensure that policies and legislation towards the protection and safeguarding of human rights are in line with international standards.

20. In this spirit, the following measures have taken place:

20.1 A new National Action Plan Against Trafficking in Human Beings 2013-2015 (NAPATHB) was approved by the Council of Ministers on 10 April 2013 (Decision No. 74.903) and is being implemented by the relevant Government Departments and NGOs. It sets a comprehensive framework to address trafficking in human beings within the context of Cypriot reality. The new Action Plan was prepared by the Multidisciplinary Coordinating Group. It resulted from the evaluation of the previous Action Plan 2010-2012 and the recommendations of the working groups appointed for this purpose. It took into consideration the provisions of Directive 2011/36/EU of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, the European Strategy against Trafficking in Persons 2012-2016 and the recommendations of the Group of Experts on Action Against Trafficking in Human Beings of the Council of Europe (GRETA).

20.2 The new Action Plan 2013-2015 covers all aspects of the issue (Coordination, Prevention, Identification of Victims, Victims' Protection and Assistance, Suppression and Prosecution, Data Collection, Training, International Cooperation, Evaluation) and includes practical measures and actions to be implemented by the various components of the Multidisciplinary Coordinating Group within specified timeframes.

21. In addition, the Preventing and Combating Trafficking and Exploitation in Human Beings and Protection of Victims Law 2014 [L.60(I)/2014], which came into force on 15.4.2014, transposed Directive 2011/36/EU, into national law. This Law revises the legislative framework on prevention, combating trafficking and exploitation of persons and protection of victims. It provides, inter alia, for the following:

- every victim has the right to access to free legal advice, irrespective of his or her willingness to cooperate with the prosecuting authorities, and has a right to free legal aid, provided he or she does not have sufficient resources (section 33).
- a victim wishing to cooperate with the prosecuting authorities within the course of criminal proceedings, can enter the witness protection programme, in accordance with the Witness Protection Law 2001, [L.95(I)/2001] (section 34).
- every victim has also the right to access to free legal advice and legal representation for claiming compensation, irrespective of his or her willingness to cooperate with the prosecuting authorities, and has the right to free legal aid, provided he or she does not have sufficient resources (section 36).
- every victim, irrespective of nationality or whether he or she possesses the necessary documents certifying his or her identity, provided that he or she does

not have sufficient resources, has the right to physical, psychological and social rehabilitation, and more particularly, has the right:

- to be provided with sufficient resources of living, including appropriate and safe housing, psychological, material and monetary assistance
- to access to free emergency health care and free necessary health care
- to be provided with free translation and interpretation services, where necessary
- to have access to free education, where applicable
- to have his or her special needs due to pregnancy, condition of health, disability, mental or psychological disorder or serious forms of psychological, physical or sexual violence, attended to, free of charge

- The competent authority for the coordination of all the services involved to ensure the effective application of all the above rights is the Social Welfare Services (section 47).
- Victims of trafficking, holders of a temporary residence permit, or a registration certificate, have also the right to access to the labour market in the same way as Cypriot citizens, to access vocational training and education as well as programmes or systems provided by the state or NGOs which have cooperation protocols or special agreements with the state (section 57), aiming at rehabilitation of the social life of victims.
- every victim of trafficking has the right to, at least, one month of reflection period, to decide whether he or she wishes to cooperate with the prosecuting authorities (section 45(5)), during which, women, victims of sexual exploitation, can reside in the state shelter (section 48) and male victims or women, victims of other forms of exploitation, are assisted in finding accommodation.
- every victim of trafficking, before issuing and during the period that the temporary residence permit or the registration certificate or certificate for reflection is in effect, has access to the rights defined in section 47 above, irrespective of whether he or she wishes to cooperate with the prosecuting authorities (section 54). At the end of the above period, or earlier, the prosecuting authorities shall inform the Minister of Interior whether the victim has shown a clear intention to cooperate. In such a case, if the Minister is satisfied, after being informed by the prosecuting authorities, that the victim should prolong his or her stay in the Republic to facilitate the investigations or the judicial proceedings and that the victim has severed all relations with those suspected of committing the offences referred to in this Law, then he grants the victim a temporary residence permit or a registration certificate of a duration of, at least, six months, which can be renewed as long as the said reasons apply (section 55). When the temporary residence permit is granted, the victim continues to have access to the rights described in section 47 of the Law.
- If the victim does not wish to cooperate, or if the criminal proceedings have been concluded by a decision of the competent court, the Minister of Interior may not renew his or her temporary residence permit or registration certificate, provided that following an individualized evaluation of the prosecuting

authorities and the medical services, it is ascertained that it is safe and to the victim's best interest to be repatriated, as a permanent solution to his or her social rehabilitation and restoration.

The temporary residence permit or the registration certificate may be revoked by the Minister in the following cases:

(a) if the victim has actively, voluntarily and on his or her own initiative renewed contacts with those suspected of committing the criminal offences referred to in this Law;

(b) if the prosecuting or other authorities involved consider that the victim's cooperation is fraudulent or that his or her complaint is fraudulent or wrongful;

(c) when the victim ceases to cooperate

(d) when the competent authorities decide to discontinue the criminal proceedings;

(e) for reasons of public interest and security;

Notwithstanding the above, and subject to the provisions of other relevant legislation, the Minister may grant a victim who is a third country national or a European citizen, even if the conditions of Law 60(I)/2014 are not fulfilled, a temporary residence permit or a registration certificate of limited validity, if he considers, after the relevant individualized evaluation concerning the situation of the victim is submitted by any authority involved, that the granting of a residence permit or a registration certificate of limited validity in the Republic, for humanitarian or, any other reasons, is in the interest and protection of the victim (section 56).

(c) Take effective measures to strictly enforce existing legislation pertaining to private employment agencies and monitor their activities, with a view to preventing the trafficking of migrant women as domestic workers, and consider ratifying ILO Convention No. 181 concerning private employment agencies (1997)

22. The Private Employment Agency Law 2012, [L.126(I)/2012] regulating the establishment and operation of private employment agencies came into force on 27.7.2012. Many of the provisions of the ILO Convention No. 181 have been incorporated into this Law. The Law sets the conditions and the qualifications that need to be fulfilled in relation to natural or legal persons operating such agencies. The criminal record of the applicant (natural person, legal person or cooperation) is examined, in order to safeguard that the persons involved in the operation of such agencies, have not been convicted for offences, such as sexual exploitation, or THB, or any other serious criminal offence. The competent authority may revoke the license of such an establishment. Since 2012, training for the owners of such agencies, on the provision of the Law, has been taking place once a year.

23. In addition to that, the Temporary Agency Work Law 2012, [L.174 (I)/2012] which came into force on 17.12.2012, transposing Directive 2011/36/EU on temporary agency work into national law, establishes the legal framework for the operation of temporary employment agencies (T.E.A). The purpose of the Law is to recognize T.E.A as employer, to ensure the protection of temporary agency workers

and to improve the quality of temporary employment safeguarding equal treatment between temporary and permanent workers. The regulations made by virtue of this law, (P.I.517/2012) provide for the procedure of licensing and inspection of the operation of T.E.A.'s.

24. Departments having competence in the matter, are currently considering all issues relating to the ratification of ILO Convention No. 181.

(d) **Ensure a strict control of the new visa regime so that it does not facilitate or result in trafficking of migrant women, and conduct an impact assessment of the regime currently in place.**

25. Since 2012, no changes have taken place regarding the policy concerning "performing" artists (which replaced that concerning the "artist visa"). This policy seems to have positive results as the number of performing artists is reducing. Specifically, in 2009, 1136 such work permits were issued; in 2013, only 55 such work permits were issued and from January until the beginning of December 2014, just 28 such work permits were issued.